

## REMARKS

### I. Introduction

Claims **52-66** are currently pending in the present application. Claims **52, 65, and 66** are independent. All claims stand rejected. In particular,

(A) claims **52-61** and **65** stand rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter,

(B) claims **52-66** stand rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite, and

(C) claims **52-56** and **59-66** stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over “TetrisAttack” in view of “Uproar”.

Upon entry of this amendment, which is respectfully requested, all pending claims (claims **52-66**) will be canceled without prejudice or disclaimer and new claims **67-78** will be added, of which new claims **67** and **76-78** are independent. No new matter is introduced by this amendment.

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.114.

### II. The Examiner’s Rejections

Although all pending claims are cancelled by this amendment, rendering the Examiner’s rejections moot, Applicants address the Examiner’s rejections with respect to new claims **67-78**. Specifically, Applicants believe the new claims have been drafted such that they are compliant with §101 and §112, second paragraph.

Further, with respect to the §103(a) rejection over the TetrisAttack reference (in view of Uproar), Applicants simply note that only a single rule exists to govern how game icons are reconfigured when a game icon is removed from the TetrisAttack game. More specifically, it is Applicants’ understanding that when a game icon is removed from the game in TetrisAttack, all remaining icons above the removed icon fall downward. While game icons may *enter* TetrisAttack from different directions, this does not change how game icons are reconfigured when an icon is *removed* from play.

As an example, because there is only one rule governing how game icons are reconfigured in TetrisAttack when an icon is removed from play, an automated program may be written to perform automated play to “win” a TetrisAttack game.

In contrast, at least because the rules of how game icons are reconfigured when a game icon is removed may change in accordance with currently claimed embodiments, no automated program may be effectively utilized to unfairly “win” such a game.

Upoar simply fails to make up for the deficiencies of TetrisAttack.

### III. Conclusion

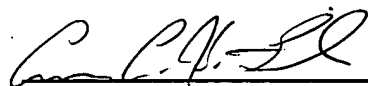
At least for the foregoing reasons, it is submitted that all claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-461-7017 or via electronic mail at cfincham@walkerdigital.com, at the Examiner's convenience.

Respectfully submitted,

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Date



Carson C.K. Fincham  
*Attorney for Applicants*  
Registration No. 54,096  
Walker Digital, LLC  
cfincham@walkerdigital.com  
203-461-7017 /voice  
203-461-7300 /fax